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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,373	04/15/2004	Naoki Soejima	086142-0663	6634
22428	7590	07/06/2006	EXAMINER	
FOLEY AND LARDNER LLP			MCCREARY, LEONARD	
SUITE 500			ART UNIT	
3000 K STREET NW			PAPER NUMBER	
WASHINGTON, DC 20007			3616	

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/824,373		SOEJIMA, NAOKI	
	<b>Examiner</b>		<b>Art Unit</b>	
	Leonard J. McCreary, Jr.		3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/3/04, 4/15/04</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 6-7 stand rejected under 35 U.S.C. 102(b) as being anticipated by US 5,979,931 to Totani et al. Totani discloses an airbag cover and method of making the same comprising the following:

- a. A method of producing a cover for covering a vehicle airbag, the method comprising the steps of: providing a three-dimensionally molded airbag cover 10 (col 6, lines 13-15); forming a tear line 18 with a predetermined depth within the thickness of the airbag cover by ultrasonic processing (col 6, lines 59-65) (claim 1.)

- b. A cover for a vehicle airbag comprising: a three-dimensionally molded plate 10; a continuous linear groove 18 with a predetermined depth located in the plate; wherein the groove is formed by ultrasonic waves (col 6, lines 59-65) (claim 6.)

- c. An airbag module comprising: an airbag 1; a cover 10 for covering the vehicle airbag; an accommodating member 4 for accommodating the vehicle airbag; and a gas supplying mechanism 2 for supplying inflation

gas so that the vehicle airbag is deployed and inflated from the accommodating member, wherein the cover comprises a three-dimensionally molded plate-shaped structure (Fig. 3) and has a linear groove 18 which is continuously disposed with a predetermined depth within the thickness of the airbag cover, and wherein, the module is configured so that when a vehicle collides at a location which is situated in front of the vehicle, the vehicle airbag is deployed by the inflation gas supplied from the gas supplying mechanism, causing the airbag cover to tear at the linear groove, so that the vehicle airbag is further deployed and inflated in a rider protection area which is situated in front of a rider (col 1, lines 5-15) (claim 7.)

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 stands rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,979,931 to Totani et al. in view of US 6,308,391 to Blaimschein et al. The disclosure of Totani is discussed above. Totani does not teach the specifics of ultrasonic cutting. Blaimschein discloses a method of producing V-shaped grooves in a workpiece and teaches the following:

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- d. The step of determining a distance **a** between a processing surface of the workpiece **W** and the predetermined location on the ultrasonic processing mechanism **R** (col 4, lines 1- 8.)

It would have been obvious to one of ordinary skill in the art at the time of invention to determine a distance between a processing edge of the ultrasonic processing mechanism and a predetermined location on the ultrasonic processing mechanism through calibration or "zeroing" of the cutting tool on the workpiece so as to provide the machine with a reference point regardless of tool size or wear. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the airbag cover of Totani to use the machine and method for forming a groove as taught by Blaimschein so as to maintain a certain cutting depth in the tear line (col 1, lines 35-48.)

5. Claims 3-4 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,979,931 to Totani et al. in view of US 6,308,391 to Blaimschein et al. as applied to claim 2 above, and further in view of US 6,737,607 to Nicholas et al. The disclosure of Blaimschein is discussed above. Blaimschein does not teach measuring the material removed from or remaining in the groove. Nicholas discloses an apparatus for cutting a groove into a workpiece and teaches the following:

- e. The step of estimating the depth of the tear line based on the determined first and second distances (col 3, lines 43-65) (claim 3.)

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- f. The step of estimating the residual thickness of the cover at the tear line based on the determined first and second distances (col 3, lines 43-65) (claim 4.)

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Blaimschein to include measurement of material removed or material remaining as taught by Nicolas so as to hold tighter groove tolerances resulting from adaptive process control (col 2, lines 1-7.)

6. Claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,979,931 to Totani et al. in view of US 6,308,391 to Blaimschein et al. as applied to claim 2 above, and further in view of US 2002/0069736 to Yasoda et al. The disclosure of Blaimschein is discussed above. Blaimschein does not teach that the first distance is calculated. Yasoda teaches a cutting apparatus wherein the distance between the edge of a blade and a predetermined location on the machine is calculated in order to provide data for the control of the tool (paragraphs [0030] and [0031].) It would have been obvious to one of ordinary skill in the art at the time of invention to modify the ultrasonic cutting tool of Blaimschein to include calculation of the distance between the blade edge and a predetermined location as taught by Yasoda so as to provide the machine with data used to control the machining process.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard J. McCreary, Jr. whose telephone number is 571-272-8766. The examiner can normally be reached on 0700-1700 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 4/24/06

PAUL N. DICKSON  
SUPERVISORY PATENT EXAMINER  
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Leonard J. McCreary, Jr.  
Examiner  
Art Unit 3616

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